

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FEB 17
U.S. DISTRICT COURT
N.D. OF ALABAMA

PATRICK STEVEN McGRATH,)
Plaintiff,)
vs) CIVIL ACTION NO. 99-RRA-3147-S
LOWE'S HOME CENTERS, INC. and)
KENNETH NORTH,)
Defendants.)

ENTERED

OCT 18 2000

MEMORANDUM OPINION

The court has considered the entire file in this action, together with the Magistrate Judge's Report and Recommendation, the plaintiff's objections to the Report and Recommendation, defendant Lowe's Home Centers Inc.'s response to the plaintiff's objections, as well as the Amendment to the Report and Recommendation, and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, Lowe's Home Centers, Inc.'s motion to dismiss Counts II, III, and IV of the complaint is due to be granted and those counts dismissed with prejudice. An appropriate order will be entered.

DONE, this 17th day of October, 2000.



H. DEAN BUTTRAM, JR.,
UNITED STATES DISTRICT JUDGE

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